

EXHIBIT M

TO: Nevada State Board of Prison Commissioners ADDENDUM 1 PAGE... FOR THE RECORD

FROM: Mercedes Maharis MA MS MA

RE: 13 Oct 2009 Meeting Input

DATE: 13 Oct 2009

MAGAZINES:

Why does Ely State Prison require payment for magazines from prisoner accounts only when other institutions do not?

Is this discrimination against those who are indigent and cannot afford to pay for magazine subscriptions?

Please stop this. Outside family members, friends, sponsors and mentors should be able to pay for magazine subscriptions.

FOOD SHORTAGE:

A High Desert State Prison culinary memo of 18 June 2009 stated "Due to food shortages in some areas and surpluses in others, the following are the menu substitutions through July 2nd, 2009."

Hire certified dieticians, please, to manage food at each NV institution. This is long overdue.

CANTEEN PRICES:

How are canteen prices figured?

Why does there have to be a profit? High prices are unacceptable and do mental and physical harm to Nevada prisoners. Unjust administration, that discriminates against the poor, in our opinion.

HOUSING MENTAL HEALTH PATIENTS WITH THOSE WHO DO NOT HAVE SUCH CONDITIONS:

Please stop this to 1) protect the mental health patients and 2) prevent auditory stress in units.

JPAY DELAYS:

Delaying Jpay delivery for a week? Unfair since these important messages may contain time sensitive information that can change the course of a human beings' life. Payment is made for delivery within 24 to 48 hours and must be honored.

In closing, every dollar spent for corrections is one dollar less for education... food for thought that will shape and impact the future of all of our lives.

Mercedes Maharis MA MS MA, Hereford, AZ 85615, mmaharis@gmail.com

TO: Nevada State Board of Prison Commissioners... FOR THE RECORD

FROM: Mercedes Maharis MA MS MA

RE: 13 Oct 2009 Meeting Input

DATE: 13 Oct 2009

Adequate mental health care and medical care could have prevented some of the following recent NDOC deaths reported (an incomplete list) since the 13 July 2009 meeting... we are certain:

07/13/09 Anderson, Charles

07/22/09 William J. Brooks, Age 51, High Desert State Prison

08/06/09 Raye, Randall

08/09/09 Winslett, Kenneth

08/10/09 Willhoyt, James

08/12/09 Masters, Rickey Vell, Age 50 and 8 months, Ely State Prison

08/16/09 Harness, Oliver

08/30/09 Wilkins, Raymond

09/03/09 Sharon Derise Dorsey, Age 43, Southern Nevada Women's Correctional Facility

09/07/09 Kirklen, Calvin

09/20/09 Klein, Nolan, Age 54, Nevada State Prison

09/25/09 Smith, Stephan

09/26/09 Bateman, William

10/02/09 Lewis, Jerry

NDOC officials must stop keeping the death statistics secret, saying that they cannot release them because of the Medical Privacy Act. But, prisoners are state wards and this is public information.

Once again I ask... please release all death statistics for me and the general public, as you used to.

May they rest in peace at last.

KITCHEN PERSONNEL:

Are NDOC officials conducting hepatitis tests on all civilian and prisoner kitchen personnel prior to preparing, cooking and serving food?

How often does HEP C testing take place, if it is taking place?

If not, why not? NDOC food safety rules ought to follow the same rules as state health officials mandate throughout the state.

In addition, how often is Hepatitis testing taking place now?

BUSES:

Is it true that the NV Dept of Transportation has no control over NDOC buses?

Who does the safety inspections and what qualifications do the inspectors have?

Is it true that the new buses have no exits in case of emergency?

Please create exits to save lives in future accidents.

Are the new buses without windows? If so, why? This is inhumane in my opinion.

AR 734:

Are all NDOC facilities in compliance with the new AR 734 that commenced 11 August 2009?

Are all NDOC facilities in compliance with 109, 269, 277, 310, 311, 343, 339, 340, 401, 405, 406, 407, 412, 443, 457, 492, 506, 548 585, 625, 626, 701, 704, 722, 733, 734, 740 and 750?

AR 153:

Please remove this AR and revise to match Las Vegas Metro Police Department shooting policy and other policies around the nation; for example, this policy freely releases the officers' names and inmate names.

What credentials and experience do NDOC officials have to be able to properly review autopsy reports?

The final report must not be confidential, but open to the general public.

Officers who shoot must be subject to liability.

If an inmate dies, there must be a coroner's inquest.

AR 805:

There will always be conflict... this is why ombudsmen (ombuddies) would be better because they are neutral parties outside of the chain of command.

Though you did not include Mr. Ken Hurdle on the agenda for this meeting as I requested (and he was amenable to speaking), I am submitting the following California Department of Corrections and Rehabilitation Office (CDCR) of the Ombudsman outline information for those at this meeting who would like to know what professional ombudsmen do and how they operate independently in CDCR.

OFFICE OF THE OMBUDSMAN

California Department of Corrections and Rehabilitation

Ken Hurdle, Chief

The Office of the Ombudsman is an independent entity of the California Department of Corrections and Rehabilitation (CDCR). It functions as a special advisor to the Secretary on critical issues relating to the Department. The Office reports to the Deputy Chief of Staff. The Office provides management advice and consultation, and makes recommendations to the Secretary in resolving sensitive and critical matters that impact a broad spectrum of issues that affect Departmental policies, procedures and programs.

The Office was established in 1997 for two primary reasons: to keep the Director of Corrections informed concerning events that occur at adult institutions, and to address *proactively* issues and concerns within the Department. Although Penal Code Section 5066 directs that Ombudsmen are assigned to maximum security prisons, the Office regularly assists all CDCR facilities. This role continued under the 2005 reorganization of the Department and now includes the Division of Juvenile Justice.

The Office of the Ombudsman as a management tool comes from our history, diversity of experiences, current efforts, and our relationship with the Capitol, headquarters, the public, and the correctional facilities. Our assistance to you includes, but is not limited to, the following areas:

Policy Development and Implementation

- Develop and review policies for the Department and the institutions
- Monitor administrative decisions to ensure the institution's implementation and compliance with departmental policies
- Assist State and Federal Legislators, advocacy groups, and the public with concerns, including an understanding of departmental policies and operations

Assistance with Institutional Day-to-Day Operations

- Ensure a safe workplace for staff and proper living conditions for offenders through routine tours of the institution with wardens, superintendents and other executive staff members
- Alert the warden and superintendents of possible problematic issues that may arise
- Identify institutional issues to avoid litigation
- Provide fresh "eyes and ears" for the institutional administrators
- Review Use of Force incidents
- Attend executive staff meetings to gain a broader perspective of institutional operations and issues

Complaint Resolution

- Research complaints from staff, offenders, public, and other stakeholders and submitting recommendations to the appropriate administrator
- Review letters and other correspondences to identify institutional issues

- Interview offenders or staff as needed to resolve any of the above issues

Establish and Maintain Effective Lines of Communication

- Exchange and facilitate information between the institutions and headquarters
- Talk and meet with staff, offenders and other stakeholders
- Publish informational articles in the In-Service Training Bulletin

CURRENT POSITIONS

Adult Corrections

The initial positions at California State Prison, Corcoran and Pelican Bay State Prison were created in 1997 through departmental initiative following allegations of staff encouraging "gladiator" fights and the *Madrid v. Gomez* case, respectively. After further legislative concern, the Legislature passed Senate Bill 1913 (Ayala) in 1998, which added Penal Code Section 5066, that mandated the Department to expand the existing prison ombudsman program to ensure the comprehensive deployment of ombudsmen throughout the State prison system, focusing specifically on the maximum security institutions. Since enactment of PC 5066, the Department, in addition to Corcoran and Pelican Bay State Prisons, has assigned Ombudsmen to:

- High Desert State Prison
- Women's Institutions
- Salinas Valley State Prison
- California State Prison, Sacramento
- California Correctional Institution
- Kern Valley State Prison

The Ombudsmen are also assigned to secondary prisons and assist the secondary prison on an as-needed basis. "As-needed basis" may include legislative interest, Departmental request, warden or superintendent request, or information that issues may need to be addressed at that institution.

Juvenile Justice

This office was established in 2001 to provide independent reviews of complaints regarding the then-California Youth Authority. The Ombudsman receives complaints from wards, parolees, families, staff and outside stakeholders. The Ombudsman serves as an impartial fact finder; negotiates resolutions to problems, reviews policy and procedures for compliance, recommends changes, offers information and referrals, and mediates disputes.

WHO WE ARE

ADULT INSTITUTIONS

Ken Hurdle, Chief Ombudsman

- June 1997 to present
- Ombudsman, California State Prison, Sacramento, 2000 - 2007
- Ombudsman, California State Prison, Corcoran, 1997 - 2000

- California State Senate, including Senior Consultant, Senate Office of Research, Criminal Justice Issues, 1982 - 1997
- Bachelor of Arts, Psychology, California State University, Sacramento
- Juris Doctorate, Lincoln Law School

Sara Malone, Lead Ombudsman; California State Prison, Sacramento

- April 2004 to present
- Correctional Counselor (California State Prison, Solano) 2001 - 2004
- Ombudsman (A), California Correctional Institution 2000 - 2001
- Legislative Analyst, Legislative Liaison's Office 1998 - 2000
- Bachelor of Arts, Social Science, California State University, Sacramento

Ralyn Conner, Ombudsman, California Correctional Institution

- February 2005 to present
- Nurse Consultant Health Care Services Division 2000 - 2005
- Quality Management Assessment Team Member 1999 - 2003
- RN Pelican Bay State Prison 1996 - 1999
- RN Nevada Department of Corrections 1994 - 1996
- RN Clark County Detention Center, 1994
- Bachelor of Science and Master of Science, Clayton College
- Associate of Science, Community College of Southern Nevada

Jocelyn Cregar, Ombudsman, Corcoran State Prison

- February 2007 to present
- Parole and Community Services Division, Parole Agent 1, 2002 - 2007
- Ombudsman (A), California State Prison, Corcoran, 2001 - 2002
- Staff Services Analyst, California State Prison, Corcoran, 2000 - 2001
- Correctional Officer, California State Prison, Corcoran, 1994 - 2000
- Bachelor of Science, Criminal Justice Management, Columbia University

Margot Bach, Ombudsman, Pelican Bay State Prison

- May 2008 to present
- Information Officer II, Office of Public and Employee Communications, 1998-2008
- Manager, Corporate Communications/Internal & Employee Communications, Lockheed-Martin Corporation, 1992-1997
- Editor, *Lockheed Star*, 1979-1992
- Technical Writer, Lockheed Missiles & Space Company, 1977-1979
- Bachelor of Arts, English, California State University, Sacramento
- Master of Arts, English, California State University, Sacramento
- California's Public Information Officer of the Year, 2007
- Distinguished Service Medal, California Department of Corrections, 2004

Karin Richter, Ombudsman, High Desert State Prison

- March 2008 to present
- Labor Relations Officer (Exempt) – Department of Personnel Administration 2007 - 2008
- Labor Relations Specialist – Department of Personnel Administration 2006-2007
- Labor Relations Specialist – Franchise Tax Board – 2005-2006

- Labor Relations Specialist – Department of Transportation 2001-2005
- Assistant CalTrans Administrator, Associate CalTrans Administrator, Staff Services Manager I - Division of Maintenance – Department of Transportation 1994 - 2001
- District 6 Fresno – Department of Transportation – 1991 - 1994
- Bachelor of Arts, Liberal Arts, California State University, Fresno

Jean Weiss, Ombudsman, California State Prison, Kern Valley State Prison

- February 2008 to present
- Labor Relations Advocate – Mule Creek State Prison, March 2007 - February 2008
- Associate Governmental Program Analyst/ Project Analyst/Assistant EEO Coordinator – Mule Creek State Prison, December 2006 - March 2007
- Staff Services Analyst/ Use of Force/In-Service Instructor – Mule Creek State Prison, January 2001 - December 2006
- Office Assistant/Program Technician/Office Services Supervisor I, Correctional Case Records – Mule Creek State Prison, September 1994 - January 2001
- Business Administration/Management/ Public Relations/Advertising – AllenBrand Associates, July 1990 - September 1994
- Business Administration/Management/ Public Relations/Advertising – Rod Ruthel & Associates, January 1989 - July 1990
- Heald Business College, Business Administration

Karen Johnson, Ombudsman, Women's Institutions

- March 2008 to present
- Division of Adult Institutions, Female Offender Programs and Services, 2006 – 2008
- Division of Adult Parole Operations, Program Development, 2005 – 2006
- Office of Substance Abuse Programs, Program Manager, Female Offender Treatment and Employment Program, 1999 – 2005
- Office of Criminal Justice Planning, Program Manager, Gang and Drug Suppression and Intervention Program, 1989 - 1999
- Political Science Major, California State University, Sacramento

Matthew Thomas, Ombudsman, Salinas Valley State Prison

- August 2008 to present
- CEA, Office of the Secretary, Special Assistant to Undersecretary of Administration, September 2007- August 2008
- CEA, Office of the Ombudsman, December 2005- September 2007
- Staff Services Manager II, Parole and Community Services Division, Support Services, 2002-2005
- Staff Services Manager I, Institutions Division, Institutions Standards and Operations 1995-2002
- Staff Services Manager I, Administration Division, Fiscal Management, Budgets, 1992-1995
- California Department of Finance, 1983-1992
- Bachelor of Science, Accounting, California State University, Sacramento

Chris Weaver, Ombudsman (On Active Duty)

- Ombudsman, California Correctional Institution (A) – October 2000
- Ombudsman, Pelican Bay State Prison, November 1997 to January 1999

- First Lieutenant, Judge Advocate, California Army National Guard
- Legislative Analyst, Legislative Liaison's Office
- Legislative Assistant, Governor Pete Wilson
- Bachelor of Arts, Political Science, University of California, Riverside
- Juris Doctor, McGeorge School of Law
- Member, California Bar

JUVENILE FACILITIES

Rosalinda Rosalez, Ombudsman, Division of Juvenile Justice

- February 2007 to present
- Consultant, Senate Select Committee on the California Correctional System, 2004 - 2007
- Investigator, California Appellate Project, 2002 - 2004
- Fellow, California State Senate, 2001 - 2002
- Bachelor of Arts, Social Studies, Harvard University

Our history, diversity, and current efforts make this office ready to assist you in your efforts to lead and effectively manage your institution. We invite you to take full advantage of our office to help you meet your expectations as well as the expectations of the California Department of Corrections and Rehabilitation, the Governor, the State Legislature, and other stakeholders.

If you or your staff has questions, please contact Chief Ombudsman Ken Hurdle at (916) 445-1748.

=====

COMMENTS AND QUESTIONS REGARDING PROPOSED AR'S, which we had difficulty getting. In fact, we only got access to them 12 Oct, hardly timely, a repeat of lack of access at the 13 July 2009 Meeting:

AR 540:

Why is this release manual confidential? It must be open this to the general public.

AR 521:

Close custody needs to be only for individuals sentenced to death.

No mixing of individuals with different sentence structures, please.

AR 840:

Please explain... "They should be easily accessible and regulated by a system that prevents abuse. (4-4505 and 4-4508)"

AR 850:

What is NDOC, first section D, "inmate criteria"? I have recently had a prisoner who tried to sign up for an English class, which he needed badly, in my opinion, but Ely officials refused.

Is it true that there is a classroom book shortage in NDOC?

How many inmates are classified as "special needs?"

How many inmates do not speak English proficiently?

Are there ESL programs for NDOC inmates who do not speak English?

How many inmates are enrolled in programs involving education?

How are credits calculated in return for educational participation?

RE: 850.02

A. #4- A: "Inmates can be required to pay for tools, special clothing or other materials required for the vocational program."

NDOC must provide tools, special clothing and other materials because it is impossible for the incarcerated to fund themselves.

5. Inmates may receive work credits for participation in approved vocational programs offered in the Department. (4-4480)

The words "may receive" need to be changed to "will receive."

MAILROOM ABUSE OF BOOKS AND MAIL:

Mailroom officials are reportedly throwing away correspondence school return envelopes requiring prisoners to buy envelopes and postage that they or family or sponsors have paid for. This needs to stop immediately. It is a hardship and inconvenience that is unnecessary and wasteful.

Further, at Ely State Prison, there is no requirement to keep a log of books that mailroom officers return to vendors. I was told to bring this up with central administration. If there is no record of returning books, but officers say they returned books to vendors, they are responsible. Books are expensive and officers must treat them with respect and be responsible for their actions with books, all books.

We are requesting that all mailrooms keep logs of the disposition of all books that they receive. They can't say that they mailed them back and expect to be believed when there are no records of mailing them back to vendors.

INTIMIDATION AND ENDANGERMENT:

Regarding reports of intimidation and endangerment by guards at Lovelock from The Lovelock Six, a group of courageous prisoners who have reportedly turned the tables on Nevada corrections officers'

misuse of power at that institution, why has there been no immediate removal of the officers under investigation away from the prisoners?

Why, instead, did NDOC officials choose to move prisoners, disrupting their lives? Unfair.

These reports are examples of where oversight by ombudsmen (ombuddies) could have worked brilliantly, in my opinion. Those in the chain of command have a vested interest in maintaining the status quo when it is, we think, which is both an unfair and a dysfunctional policy.

SURGE IN LAWSUITS:

In February there were 407 lawsuits coming from Ely State Prison. 24 Sep 09 there were 573, a significant increase. Again, it's time for new leadership at that prison especially and in the director's office. Without fresh approaches there is no hope for fresh approaches and timely solutions to the many human rights violations that are being reported.

INQUIRIES GOING UNANSWERED:

For the record, I have had next to nil responses to my NDOC inquiries. This seems to me to be insincere, contradictory and destructive to improving communications, one of NDOC's goals.

LOSS OF DOCUMENTS:

In closing, how could Nevada Attorney General employees possibly lose my certified letters?

Yours truly,

Mercedes Maharis MA MS MA

3705 E. Mtn. Vista Rd.

Hereford, AZ 85615-9192

mmaharis@gmail.com